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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 LISA C. NEAL,

9 Plaintiff,

10 v.

11 CITY OF BAINBRIDGE ISLAND,

12 Defendant.  
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NO. C20-6025RSL

ORDER STAYING DISCOVERY

15 This matter comes before the Court on “Defendant City of Bainbridge Island’s Motion for  
16 Protective Order Staying Discovery Pending Ruling on Motion to Dismiss.” Dkt. # 12. Having  
17 reviewed the memoranda, declarations, and exhibits submitted by the parties, as well as the  
18 underlying motion to dismiss, the Court finds as follows:

19 The Federal Rules of Civil Procedure impose clear duties to disclose that are triggered by  
20 certain, specified events. *See* Fed. R. Civ. P. 26(a)(1) and 26(d)(1). The rules do not provide an  
21 automatic stay of discovery if a motion to dismiss is filed: such motions are often unsuccessful  
22 and a stay could cause unnecessary and significant delays at the outset of the litigation. The  
23 Court nevertheless has discretion to stay discovery if defendant shows that it is entitled to a  
24 protective order under Rule 26(c) “to protect a party or person from annoyance, embarrassment,  
25 oppression, or undue burden or expense . . . .” *See Lazar v. Kroncke*, 862 F.3d 1186, 1203 (9th  
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1 Cir. 2017) (“District court[] orders controlling discovery are reviewed for an abuse of  
2 discretion.”).

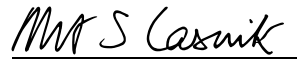
3 The pending motion to dismiss raises both procedural and substantive challenges to all of  
4 plaintiff’s claims. A brief review of the moving papers shows that there is “a real question  
5 whether” plaintiff has adequately pled her claims. *Wood v. McEwen*, 644 F.2d 797, 802 (9th Cir.  
6 1981). Such a showing is only half of the analysis, however. To determine whether the expense  
7 and burden of discovery is “undue” and therefore justifies a protective order, the Court must also  
8 consider whether plaintiff has shown that she will be prejudiced if a stay is ordered. *Id.* In this  
9 regard, plaintiff argues that, even if defendant’s motion to dismiss is successful, she must have  
10 an opportunity to discover facts which could shore up any weakly-pled claims, such as whether  
11 she was a “public figure” for purposes of her defamation claim, whether defendant’s agents are  
12 entitled to the immunities claimed, and the impact of disparaging statements on plaintiff. Dkt.  
13 # 15 at 8. It is unclear what relevant and as yet unknown information plaintiff believes defendant  
14 can provide on these issues. The roles of the various actors, including plaintiff, do not seem to be  
15 in dispute, and any effects plaintiff suffered as a result of defendant’s conduct are already known  
16 to her. In the absence of a showing that discovery is necessary to meet defendant’s motion to  
17 dismiss, the apparent merit of defendant’s arguments justifies the requested stay.  
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22 For all of the foregoing reasons, defendants request for a stay of discovery is GRANTED.  
23 Discovery, including the exchange of initial disclosures, is hereby STAYED until the Court  
24 resolves the pending motion to dismiss. If any claims survive, defendant shall have thirty days  
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1 following resolution of the motion to dismiss to respond to plaintiff's first set of interrogatories  
2 and requests for production.  
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4 Dated this 25th day of May, 2021.

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6 Robert S. Lasnik  
7 United States District Judge  
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